

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOEL BROWN,	:	4:19cv1230
Petitioner	:	
	:	(Judge Munley)
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, ET AL.,	:	
Respondents	:	

.....

**ORDER**

AND NOW, to wit, this 4<sup>th</sup> day of October 2019, we have before us for disposition Magistrate Judge William I. Arbuckle's report and recommendation, which proposes denying the instant 28 U.S.C. § 2254 petition without prejudice to petitioner later filing one all-inclusive petition under 28 U.S.C. § 2254 within the applicable statute of limitations. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 10) is **ADOPTED**;

- 2) Noel Brown's 28 U.S.C. § 2254 petition (Doc. 1) is **DENIED** without prejudice to him filing one all-inclusive petition under 28 U.S.C. § 2254 within the applicable statute of limitations; and
- 3) The Clerk of Court is directed to close this case.

**BY THE COURT:**



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**JUDGE JAMES M. MUNLEY**  
**United States District Court**